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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,179	09/15/2003	Jerald C. Seelig	619.489 ACC.CIP-Bingo Nig	1427
21707	7590	07/14/2006		EXAMINER
IAN F. BURNS & ASSOCIATES P.O. BOX 71115 RENO, NV 89570			LAYNO, BENJAMIN	
			ART UNIT	PAPER NUMBER
				3711

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,179	SEELIG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin H. Layno	3711	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 56-106 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 56-66 and 79-96 is/are rejected.  
 7) Claim(s) 67-78 and 97-106 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 56 is rejected under 35 U.S.C. 102(b) as being anticipated by Murray et al.

The U.K. patent to Murray et al. discloses a gaming device comprising a gaming device housing 3. Coupled to the gaming device housing is a moveable mechanical display device 4 (rotatable reels). A controller (timing mechanism) is in communication with moveable mechanical display device. The abstract of Murray et al. recites “**When no user is playing the game a timing mechanism within the unit 3 will cause the wheels to rotate and stop in the manner of pseudo-games, which will act to attract potential players**”. Thus, the moveable mechanical display device is mechanically moveable in response to a signal from the controller when no active game is being played on the gaming device.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze in view of Murray et al.

The patent to Schulze discloses a gaming device having a moveable mechanical display 5 (rotating drum). Moveable objects 6 are contained within the moveable mechanical display. When the moveable mechanical display 5 rotates, the moveable objects move, and a person may view of moveable objects through window 18. In view of Murray's teaching (above) of rotating wheels of a gaming device when no user is playing the game, it would have been obvious to include a controller to Schulze's gaming device. The controller would have been in communication with Schulze's moveable mechanical display 5, and would have caused the moveable mechanical display to rotate when no user is playing the game. Thus, Schulze's moveable mechanical display would have not indicated any particular prize. This modification would have attracted potential players.

5. Claims 82 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze in view of Murray et al. as applied to claim 81 above, and further in view of Rivero.

The patent to Rivero teaches that it is known in gaming devices to use a rotatable cage-type containment means 2 for containing moveable objects 17. In view of such teaching, it would have been obvious to replace Schulze's rotating drum with a rotating cage-type containment means. This modification would have only been an aesthetic design choice which is always obvious in the art.

6. Claims 56-66, 80-82 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivero in view of Murray et al.

1. The patent to Rivero disclose a gaming device comprising a gaming device housing 1, a mechanically rotatable cage-like display container 2, a plurality of moveable objects 17 inside the rotatable cage-like display container, and an actuator (motor) configured to rotate the cage-type display container. Using a clutch, a flange connected to the rotatable cage-type display, and a belt in communication with the motor would have been an obvious and well-known means of driving Rivero's rotatable cage-like display container. The rotating motion of the cage-like display container agitates the moveable objects. Determining the shape of the rotatable cage-like display container (e.g. sphere, cylinder, etc.) would have simply been an aesthetic design choice, which is always obvious in the art.

In view of Murray's teaching (above) of rotating wheels of a gaming device when no user is playing the game, it would have been obvious to include a controller to Rivero's gaming device. The controller would have been in communication with Rivero's cage-like display, and would have caused the cage-like display to rotate when no user is playing the game. Thus, Rivero's cage-like display would have not indicated any particular prize. This modification would have attracted potential players.

2. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rivero in view of Murray et al. as applied to claim 65 above, and further in view of Travis.

The patent to Travis teaches that it is known in the gaming device art to provide a video image of a mechanical display device 42 and moveable objects 48, 49 within the mechanical display device. In view of such teaching, it would have been obvious to provide a embodiment to Rivero's gaming device having a video image of Rivero's cage-type display and moveable objects therein. This modification would have made Rivero's gaming device more attractive to video game players.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 81-95 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 81 recites the limitation "the gaming device" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

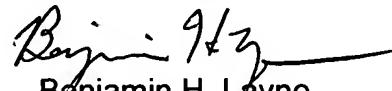
6. Claims 67-78 and 97-106 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 83-95 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Benjamin H. Layno  
Primary Examiner  
Art Unit 3711